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10/734,348	12/12/2003	Mustansir M. Banatwala	LOT920030071US1 (025)	3612

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DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/734,348	BANATWALA ET AL.
	Examiner	**Art Unit**	
	KAMAL B. DIVECHA	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 July 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claims 1-19 are pending in this application.

Claims 4, 11 and 18 were previously cancelled.

Response to Arguments

Applicant's arguments filed July 30, 2007 have been fully considered but they are not

persuasive.

In response filed, applicant argues in substance that:

a.   Moser wholly lacks a teaching directed to the maintenance of a common lifecycle

for a provisioned instance of an NCS and business component instances corresponding to

the NCS as required by the plain language of the claims (remarks, pg. 8 [D.ii]).

In response to argument [a], Examiner respectfully disagrees.

In an office action dated April 30, 2007, Examiner rejected claims 1-19 under 35 U.S.C.

112, second paragraph rejections due to usage of the limitation "managing a common lifecycle"

in the claims.

In response filed, applicant directed examiner to paragraph [0020] of the specification in

which the term lifecycle is clearly explained as per applicant (See remarks, pg. 8 [C]).

The directed portion of the applicant specification is reproduced herein:

> [0020] Business component instances provided as part of business process 16 are managed by a specific NCS 10 instance. **Although not required, business component instances can share the same life cycle as its corresponding NCS instance. In other words when an NCS 10 is instantiated, a business component instance is also instantiated.** When an NCS instance is removed, the business component instance is also removed. The underlying NCS communicates with business components via a predefined interface. For example, such an interface may be an enterprise java bean ("EJB") or other type of server object that can be called such as remotable application program interfaces.

In other words, when an NCS is instantiated, i.e. deployed, a business component instance is also instantiated, i.e. deployed.

Business process components are disclosed to include tools such as stock tickers, search engines, discussion forums, document libraries, meeting schedulers, etc. (applicant specification, pg. 8 [0019]).

Moser teaches instantiating a collaboration area, i.e. NCS, wherein the NCS instantiation includes instantiating business process components (referred as views according to Moser) such as news tickers, schedulers and/or discussion forums (pg. 3 [0026-0028], pg. 4 [0039-0040], pg. 6 [0054]).

Stated another way, when an NCS in Moser is deployed, the following business components are also deployed: discussion forums, news headlines and/or schedulers.

At [0040], Moser teaches "Each template is associated with a number of preset underlying roles, work sets, views, and processes for a general application..." (Emphasis added).

At [0053], Moser teaches the process of creating a collaboration area using the template.

The views as referred in [0040] include news headlines, message view, calendar view, etc. (pg. 3 [0026-0028]).

At [0054] and fig. 6 shows a display of a collaboration area that has been initially created from a simple template.

The fact that Moser teaches the creation of a collaboration area using the template, which in fact is associated with one or more tools (referred as views in Moser and as business process components as per applicant), logically suggests maintenance of a common lifecycle for a

provisioned instance of an NCS, i.e. a collaboration area, and business component instances

corresponding to the NCS, i.e. views because when the collaboration area is instantiated and/or

deployed using the template, the tools associated with the template are also deployed in a single

display.

As such, Moser does disclose managing and/or maintenance of a common lifecycle for an

NCS and the business process components at least in light of applicant's specification.

Terminal Disclaimer

The disclaimer fee in accordance with 37 CFR 1.20(d) has not been submitted, nor is
there any authorization in the application file to charge a specified Deposit Account or
credit card.

The rejection still applies.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection
is appropriate where the conflicting claims are not identical, but at least one examined
application claim is not patentably distinct from the reference claim(s) because the examined
application claim is either anticipated by, or would have been obvious over, the reference
claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re
Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re
Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may
be used to overcome an actual or provisional rejection based on a nonstatutory double patenting
ground provided the conflicting application or patent either is shown to be commonly owned
with this application, or claims an invention made as a result of activities undertaken within the
scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1.   Claims 1-3, 5-10, 12-17 and 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/744,302 (hereinafter '302) in view of Estrada (US 6,996,780 B2).

·Claims 1-15 of co-pending application '302 explicitly and/or inherently discloses each and every limitation of claims 1-3, 5-7,

        For example: claims 1, 3, 4 and 7 of '302 discloses a named collaborative space with roles, membership, resources such as business components, messaging tools and creating instances of the named collaborative spaces, similar to claim 1-3 of present application (except for provisionable named collaborative space).

        However, '302 does not disclose the process of providing provisionable named collaborative space (i.e. to base a named collaborative space on a previous named space in a manner which may require little or no customization).

        Estrada explicitly discloses the process of creating place type from which new places are created in collaboration space (see claims 1-10).

        Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify '302 in view of Estrada in order to provide a provisionable named collaborative space.

        One of ordinary skilled in the art would have been motivated because it would have provided an environment where web applications are instantly created, instantly archived, team

and project oriented, easy to use, created, accessed and administered via the web, reusable, and extensible (Estrada, col. 3 L37-50).

This is a <u>provisional</u> obviousness-type double patenting rejection.

2.   Claims 1-3, 5-10, 12-17 and 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,996,780 B2 in view of Moser et al. (hereinafter Moser, US 2004/0107249 A1).

'780 Patent discloses a collaborative computing method for establishment of a named collaborative space comprising the process of providing a templatable and provisionable named collaborative space to serve a basis for establishment instances of named collaborative spaces, similar to an invention disclosed in the present application.

Moser, on the other hand, explicitly discloses each and every limitations of the claimed invention, as evidenced by the detailed mappings presented below (See 35 U.S.C. 102(e) rejection presented below).

Therefore, the combination of '780 patent and Moser clearly results in an invention disclosed in the present application.

Specification

The objection presented in the previous office action has been withdrawn in light of

applicant specification [0016]: deploying and [0030] (See applicant remarks, pg. 7).

Claim Rejections - 35 USC § 112

The 35 U.S.C. 112, first paragraph rejection presented in the previous office action has

been withdrawn in light of applicant specification [0016] and [0030] (See also applicant remarks,

pg. 7 [B]).

The 35 U.S.C. 112, second paragraph rejection presented in the previous office action has

been withdrawn in light of applicant specification [0020] (See also applicant remarks, pg. 8 [C]).

The interpretation of the term "common life cycle" is in light of the following:

[0020] Business component instances provided as part of business process 16 are managed by a specific NCS 10 instance. **Although not required, business component instances can share the same life cycle as its corresponding NCS instance. In other words when an NCS 10 is instantiated, a business component instance is also instantiated.** When an NCS instance is removed, the business component instance is also removed. The underlying NCS communicates with business components via a predefined interface. For example, such an interface may be an enterprise java bean ("EJB") or other type of server object that can be called such as remotable application program interfaces.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-3, 5-10, 12-17 and 19 are rejected under <u>35 U.S.C. 102(e)</u> as anticipated by

Moser et al. (hereinafter Moser, US 2004/0107249 A1).

As per claim 1, Moser explicitly discloses a collaborative computing method for the

establishment of a named collaborative space (pg. 1 [0004-0008]), the method comprising:

providing a templatable (based on template) and provisionable (customizable) named

collaborative space to server as a basis for establishment instances of named collaborative

spaces, the templatable and provisionable named collaborative space defining work place within

the collaborative computing environment and configured to mange a plurality of business

process components disposed within an instance of the named space in a one-to-many

relationship (pg. 2 [0017], [0021], pg. 3 [0030], [0031], pg. 4 [0035], [0040], [0042], pg. 5

[0053], pg. 6 [0054], fig. 1-6);

provisioning an instance of the templatable and provisionable named collaborative space

(fig. 3-6, pg. 5 [0053], pg. 6 [0054]: deploying a collaboration area using a template);

identifying a membership set for the named collaborative space, the membership set

including one or more members (fig. 3 item #106, 110, pg. 4 [0040-0043], fig. 4);

providing a plurality of business component instances for management within the

provisioned instance of the named collaborative space (fig. 4, pg. 2 [0021], pg. 3 [0027]:

providing tools such as news, search engines, schedulers, etc.); and,

. managing a common lifecycle for each of the provisioned instance of the named

collaborative space and the business process components (such as stock tickers, search engines,

discussion forums, meeting schedulers, news headlines, etc.) within the provisioned instance of

the named collaborative space (fig. 1, fig. 4, pg. 3 [0027-0029], pg. 4 [0039-0040]: instantiates a

business process component such as discussion forum, meeting scheduler and news headlines

when instantiating a collaboration area or room, fig. 3, fig. 6: example of a collaboration area

created using a template).

As per claim 2, Moser discloses the process wherein the business process component

instances are business instance portlets (fig. 4, pg. 2 [0021], pg. 3 [0027]).

As per claim 3, Moser discloses the process wherein the members of membership set for

the collaborative space are assigned a role, the role defining access and permission privileges to

the at least one business process (pg. 2 [0023-0024], pg. 3 [0031-0032], pg. 5 [0049], pg. 6

[0054], fig. 3-6).

As per claim 5, Moser discloses the process wherein provisioned instance of the

templatable and provisionable named collaborative space is provisionable from other provisioned

instances of the named collaborative spaces (pg. 3 [0026], pg. 4 [0039]).

As per claim 6, Moser discloses the process of transferring information between the

business component instance and the named collaborative space, the information being

transferred using an enterprise java bean (pg. 2 [0021-0023], pg. 6 [0059]).

As per claim 7, Moser discloses the process further including assigning a policy to the named space (pg. 3 [0031]).

As per claims 8-10, 12-17 and 19, they do not teach or further define over the limitations in claims 1-3, 5-7. Therefore claims 8-10, 12-17 and 19 are rejected for the same reasons as set forth in claims 1-3, 5-7.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   Stewart et al., US 7,051,071 B2: Workflow Integration system for Enterprise wide electronic collaboration.

b.   Stewart et al., US 7,051,072 B2: Method for providing real-time conversations among business partners.

c.   Thompson et al., US 2002/0075303 A1: Method and system for creating a virtual team environment.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-

5863. The examiner can normally be reached on Increased Flex Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

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/Kamal Divecha/

Kamal Divecha
Art Unit 2151
October 2, 2007.

JOHN FOLLANSBEE
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